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ProEnglish

THE PROENGLISH Advocate

Bush Administration Says "Mend Don't End" Multilingual Mandate

The Department of Justice (DOJ) served notice that the Bush Administration has adopted a "mend-it-don't-end-it" approach to dealing with Executive Order 13166. This is the infamous August 2000 Clinton Administration edict that directs every recipient of federal funds including every level and branch of government to become a multi-lingual service provider or risk civil rights prosecution. The administration position was outlined in a new Department of Justice policy guidance memorandum issued to all federal agencies Oct. 26.

The memorandum attempts to downplay the Supreme Court's ruling in the *Sandoval* case and states, "it is the position of the Department of Justice that Executive Order 13166 remains in force." This is remarkable in light of the fact that the *Sandoval* decision threw out virtually the only judicial precedent that existed for issuing E.O. 13166.

Instead, the memorandum directs all government agencies to balance common sense factors such as availability of resources (i.e. taxpayer funds), and frequency of contact with persons speaking a foreign language when formulating or reformulating their guidelines for implementing Executive Order 13166.

"This is like telling people to get only a little bit pregnant, and it won't work," said ProEnglish chairman, Bob Park. He continued, "How can a local government agency, or physician receiving Medicare reimbursement for example, not be cowed into providing costly interpreter and translation services when they know they run the risk civil rights complaints, investigations, and endless harassment from government bureaucrats or civil rights lawyers if they fail to accommodate even the most obscure foreign language."

Park noted that the original Department of Justice policy guidance stated that an agency or program serving even one non-English speaking person is still subject to the requirements of Executive Order 13166. "No matter how they attempt to muddy the water," Park said, "the fact remains that Executive Order 13166 is an illegal end-run around Congress and the Constitution by bureaucrats intent on imposing an enormously expensive and utterly divisive policy of multilingualism on the American people. I sincerely regret that multicultural zealots apparently have convinced President Bush to go along with their plan," he added.

Quote of the Quarter

"We have a lot of people who don't speak English. Accidentally, one of the girls who doesn't know James Earl Jones from a man on the moon accidentally typed James Earl Ray."

– the owner of Texas-based Merit Industries, explaining why the company erroneously listed the name of Dr. Martin Luther King's assassin on a plaque intended to honor actor and celebrity James Earl Jones.

The following information applies to the enclosed package in its entirety, ProEnglish is a project of U.S. U.S. is a 501(c)(3) tax-exempt organization and as such, can expend only a specific portion of its overall resources on lobbying activities. While your contribution will not be earmarked for a specific campaign, its availability at this time will assist us in meeting all of our goals. A copy of our latest financial report may be obtained from either the Secretary of State of New York, Albany, NY 12231 or from U.S., 445 East Mitchell St., Petoskey, MI 49770-2623. The official registration and financial information of U.S. may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania 1-800-732-0999. Registration does not imply endorsement. West Virginia residents my obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305.

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On Capitol Hill

Rep. Stump Introduces Strongest Official English Bill to Date

Representative Bob Stump

Representative Bob Stump (R-AZ), a true champion for official English, has introduced the strongest official English bill to date, H.R. 3333, the "Declaration of Official Language Act of 2001."

ProEnglish worked closely with Rep. Stump's staff to help draft the most comprehensive official English legislation introduced to date in the 107th Congress. In addition to declaring English the official language of the United States government, the bill does the following:

- Declares that all applicants for citizenship must be proficient in English
- Stipulates that naturalization ceremonies must be conducted in English
- Repeals the Bilingual Education Act
- Repeals all bilingual ballot requirements

ProEnglish encourages its members and supporters to contact their Representatives in Congress and ask them to join in cosponsoring H.R. 3333 to secure the blessing of a common language for our nation. The following have already joined Rep. Stump as original co-sponsors of the bill: Rep. Ernest Istook (R-OK), Rep. Ronnie Shows (D-MS), Rep. Tom Tancredo (R-CO), Rep. Nathan Deal (R-GA), Rep. Virgil H. Goode (Ind.-VA), Rep. Roscoe Bartlett (R-MD), Rep. Peter King (R-NY), Rep. Ron Paul (R-TX), and Rep. Charles Norwood (R-GA).

Congress Doubles Spending for Bilingual Education

Hopes that President Bush's plans to reform bilingual education would survive the power of the well-heeled bilingual education industry faded quickly when the final compromise on the "No Child Left Behind" Education Act was announced. In exchange for a few largely cosmetic "reforms," bilingual education industry lobbyists exacted a huge increase in funding for programs — including failed bilingual education programs — to teach non-English speaking children English. The president signed the bill into law Jan. 8th.

The bill eliminates the long-standing requirement that a minimum of 75 percent of the federal taxpayers' funds be spent on "bilingual education" programs. But there is little reason to think the bureaucrats in charge of spending the money won't continue subsidizing bilingual education programs exclusively just as they have in the past. The only sure thing is that the amount of taxpayer money available to spend will increase dramatically from $319 million in 2000 to $750 million in 2002.

Education industry lobbyists managed to scrap a reform sponsored by Representative Tom Tancredo (R-CO), that would have required schools to get parents' consent *before* putting their children in a bilingual education class. The final bill requires only that schools "notify" parents when such decisions are made.

The Act stipulates that children be tested on their English skills after three years in the United States, but provides no penalties for schools or school districts that fail to show progress teaching English. On balance, the bill must go down as a big disappointment for hundreds of thousands of schoolchildren that deserve the opportunity to learn English. The job of freeing these children from the clutches of the bilingual education industry is now clearly up to the states.

Effort to Block EO 13166 in Congress Suffers Setback

Hopes that Congress would overturn Executive Order 13166 despite opposition from the Bush Administration suffered a setback when the House of Representatives rejected an attempt to block funding for the order's implementation in the current year. The move came on an amendment to the Labor and Health and Human Services appropriations bill by Rep. Ernest Istook (R-OK) that failed 156-262 in a roll call vote (Roll Call Vote #380).

Congressional opponents led by the Hispanic Caucus charged that the amendment would roll back "civil rights" protections for non-English speaking persons. In a letter to Congress ProEnglish executive director K.C. McAlpin pointed out that Congress had never debated or approved giving someone a right not to speak English.

Despite the setback, supporters vowed to bring the measure up again. They pointed out that the amendment came up late in the session after a number of official English supporters already had made firm commitments not to support other amendments to the appropriations bill. A listing of House members and how they voted on the Istook amendment is available on ProEnglish's website at: www.proenglish.org.

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St. Augustine on the Importance of a Common Language

"Now the world, like confluence of water, is obviously more full of danger than [smaller] communities by reason of its greater size. To begin with, on this level the diversity of languages separates man from man . . . [W]hen men cannot communicate their thoughts to each other, simply because of difference of language, all the similarity of their common human nature is of no avail to unite them in fellowship."

– The City of God, St. Augustine, circa 420 A.D.

Bureaucrats Play Shell Game with EO 13166 Implementation

Federal civil rights bureaucrats appear to be playing a deliberate shell game with policy guidelines implementing the sweeping presidential mandate for multilingualism known as Executive Order 13166. The strategy shows up in the Justice Department's repeated postponement of the deadline for government departments to issue their final guidelines implementing the order.

When President Clinton signed E.O. 13166 on Aug. 11, 2000, the Justice Department told all government agencies to issue their final guidelines by Dec. 9, 2000. Considering the complexity and vagueness of the order, the original deadline was far too quick and seemed driven by the fear that a future administration might be less supportive of the order or even move to revoke it.

Thus while almost all government agencies failed to meet the Dec. 9, 2000 deadline, most did issue agency-specific policy guidelines for implementing E.O. 13166 during 2001.

But concerned that the Supreme Court's decision in the *Sandoval* case last spring – in which ProEnglish was deeply involved - had eliminated virtually the entire legal foundation on which E.O. 13166 stood, the Justice Department issued new policy guidance last Oct. 26. The new guidance directed all federal government agencies to reevaluate their previously issued guidelines and set a new deadline of Feb. 23, 2002 for issuing their "final" agency guidelines.

Now there are reports that the "deadline" for federal agencies to issue final 13166 guidelines will be postponed once again. If that happens ProEnglish can claim a good deal of credit for the unwillingness of federal officials to push forward with their "Tower of Babel" agenda. In testimony to Congress, meetings with the Administration, and numerous letters to federal officials, ProEnglish has pointed out that E.O. 13166 interprets the civil rights law in a way that was never intended or authorized by Congress. Those communications have further explained in detail how the order contradicts numerous prior court decisions involving language.

Thus the repeated postponement of agency deadlines for 13166 guidelines and compliance may reflect the Justice Department's growing awareness of the order's constitutional flaws. But sooner or later the government will have to take a stand on whether to enforce the order or not.

The ProEnglish Advocate

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MA Legislature Slashes Funding for Adult ESL

Drastic cuts in the Massachusetts budget for adult education are imperiling the hopes of tens of thousands of immigrants in the state trying to learn English and find higher paying jobs. Margarete Viera, a Brazilian immigrant summed it up, "I don't want to be house cleaner forever. If I know how to speak English I can change."

Due to shrinking state revenues, the budget passed by the Legislature this fall cut adult education funding by 43 percent, from $30 million to $17 million. Before the cuts, there were 200 programs serving 25,000 students a year in the state with 15,000 more on waiting lists. Now many of the existing programs may be closed.

Until now Massachusetts had been a leader in adult ESL funding. One of the reasons for the state's leadership role was an analysis by MassINC, a policy research group that showed a high correlation between English fluency and higher income. A MassINC analysis of 1990 Census data showed that an immigrant with a high school diploma who spoke fluent English earned $14,316 a year compared to $6,067 a year for an immigrant with a high school degree who was not fluent in English – a 236 percent increase in earning power for speaking English.

The figures dramatize the shortsighted nature of the budget cuts. Not only does fluency in English mean a more highly skilled workforce, higher incomes translates into higher revenues (or lower costs) for the state. If ever the expenditure of taxpayer funds could be characterized as an "investment," spending on adult ESL programs would seem to be it.

NJ Paper May Fold for Lack of English Readers

The Jersey Journal, Jersey City New Jersey's daily newspaper for well over a century may be forced to close its doors. According to a report in *The Washington Post* Jan. 14, one of the main reasons for the newspaper's hard times is the fact that so few of the city's growing immigrant population speak or read English.

Jersey City has undergone a rapid linguistic transformation since large numbers of Cubans first began settling in it during the 1960s and 1970s. These immigrants were followed by waves of non-English speaking immigrants from countries around then world in the 1980s and 1990s. Just since 1990, the city's Hispanic population has surged 32 percent and its Asian population has risen an even faster 56 percent. Today there are 52 languages spoken in the public schools.

While Jersey City has a long and colorful immigrant history, earlier generations of immigrants had little choice but to learn English to keep up with world and local news. Today, the situation has changed. Continually increasing numbers of immigrants support an abundance of foreign language newspapers at newsstands. This plus the easy access to home country news via the Internet have combined to help erode English's role as the city's linguistic glue.

Jersey Journal columnist Earl Morgan commented, "What happens when you can't read about a birth, or a death? I'll tell you what happens: The stuff that holds us together just starts to tug away."

On the Utility of Smear Attacks

"We call things racism just to get attention. We reduce complicated problems to racism, not because it is racism, but because it works."

— Alfredo Gutierrez, political consultant, as quoted by Richard de Uriarte *The Phoenix Gazette*, Mar. 14, 1992.

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In the Courts

MALDEF Sues Chicago School for Not Speaking Parents' Language

The Mexican American Legal Defense and Education Fund (MALDEF) filed suit Oct. 25 against the Calumet Park School District in suburban Chicago. The suit charges that Hispanic students are being discriminated against in part because of the district's failure to communicate with their parents in their native language.

MALDEF's main contention is that the district's three elementary schools have failed to provide the students with an adequate bilingual education. The district has about 60 Hispanic students out of a total student enrollment of 1100.

The charge that the school district "discriminates" against Hispanic students because it fails to communicate with their parents in their parents' native language may indicate the type of civil rights litigation that is likely to explode in the wake of Executive Order 13166.

Court Upholds English Sign Ordinance in GA

In a victory for public safety and common sense, a federal district court has upheld the right of a Georgia town to require businesses posting signs in foreign languages to include English language translations on their signs. The ACLU, together with the Mexican American Legal Defense Fund and the Asian Pacific Bar Association sued the city of Norcross, Georgia after the city adopted such an ordinance in 1999, charging that the ordinance infringed on the rights of ethnic businesses to market to specific language groups.

But the court ruled that public safety concerns – allowing police, ambulance, and other public safety personnel to quickly identify business addresses justified the city ordinance. The ruling was handed down Dec. 6. The ACLU has yet to announce if it plans to appeal.

OMB to Estimate Cost of Implementing EO 13166

As reported in our last issue, Rep. Ernest Istook (R-OK) sponsored an amendment to Treasury-Postal appropriations bill requiring the Office of Management and the Budget (OMB) to provide an estimate of the cost to implement Executive Order 13166. That is the order issued by President Clinton that forces every government agency and department in the country – federal, state, and local – to become multilingual service providers or face civil rights prosecution. OMB must issue its estimate by March 12, 2002.

By any standard the cost of compelling every government office in the country to provide translation and interpreter services in dozens or even hundreds of foreign languages will be huge. And that cost will be in addition to the enormous burdens already incurred in many localities to meet the needs of the country's growing non-English speaking population.

For example: New York City already requires its human resources department to provide public announcements in 18 different languages. To translate the "No Child Left Behind" education bill recently signed into law by President Bush into just those same 18 languages would cost over $1.1 million. Under Executive Order 13166, the kind of translation costs incurred in heavily immigrant areas like New York City could easily be required for every county, school, and local government office in the country.

To help compile its estimate, OMB asked for public input on the costs and benefits associated with implementing E.O. 13166. ProEnglish was only too happy to respond with a letter detailing the kind of excessive cost that would be incurred to provide the translation and interpreter services called for by the regulations. Copies of ProEnglish's reply to OMB are available free to ProEnglish members who request it. Write to: ProEnglish Publications, 1601 N. Kent Street, Ste. 1100, Arlington, VA 22209, or email: mail@proenglish.org.

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Debate on Bilingual Education Should Correct Misconceptions

By Rosalie Pedalino Porter
Worcester Telegram & Gazette, September 2, 2001

For the past 15 years I have urged the state Legislature to modify the [Massachusetts] bilingual education law (Chapter 71-A) whenever a relevant bill was introduced. To this date, absolutely nothing has changed.

Now, with my two colleagues, Lincoln Tamayo, on leave as principal of Chelsea High School, and professor Christine Rossell of Boston University, I am helping to lead a campaign called English for the Children."

We expect to put this question on the November 2002 ballot: Do Bay State voters want immigrant/ migrant/refugee children to be taught English as soon as they enter our public schools? I believe we will hear a resounding yes, as has been heard in California and Arizona on this same question.

To give the public the best understanding of the English for the Children campaign, we must make clear what we mean by structured English immersion," the educational program we propose. It is an all-too-common mistake to think that an immersion program puts kids in regular classrooms and leaves them to pick up" the new language by themselves.

That was the case when I arrived in a Newark, N.J. school at age 6, not knowing a word of English. I was left to sink or swim with no special help of any kind. That was not a program, but a policy of shameful neglect of the needs of non-English-speaking children. It is not an option in the current initiative.

English immersion is a very professional, English-language teaching program that requires trained teachers, a special curriculum and textbooks, and a sheltered classroom consisting only of English-language learners. English immersion programs have been thriving elsewhere in the United States for 25 years - but not in Massachusetts.

As a Spanish-English bilingual teacher in the Springfield public schools and, later, as the coordinator of programs for limited-English students in the Newton public schools, I used English immersion techniques and trained teachers in these methods. The absolutely crucial idea of this approach is that you teach children English from day one, starting with survival" vocabulary, such as people's names, classroom objects and school facilities, including bathrooms, cafeteria, library and gymnasium. Never would a child in this classroom be there for a year without knowing the meaning of the exclamation Fire!" or how to respond to such a shout.

Sheltered-immersion classrooms focus on teaching children the English language and school subjects at the same time, using real objects, pictures, films and computer programs. For example, a science or math lesson can begin by teaching the vocabulary of math and science in English, and the language for describing the experiment. The goal is the rapid and effective integration of limited-English students in mainstream classrooms with their English-speaking classmates. That is a far superior approach than segregating of Spanish-speaking students in native-language instruction classrooms for most of the school day and for several years.

Current law does not allow local choice of programs. The tired argument voiced for years by bilingual education supporters is that parents have the right not to have their children in bilingual classrooms. That means the choice is between bilingual classes or no special help at all.

It is because of this rigid mandate in Massachusetts that an initiative petition is necessary. Even though English-language teaching programs are not now a legal choice in this state, a few districts are openly undertaking such innovations, and others have quietly but secretly provided this option.

Massachusetts has much to answer for: It was the first state to pass a bilingual education law 30 years ago, but it has failed to obey that law as far as reporting on bilingual student achievement. No state study has ever been done on the progress of these students in learning English and in learning their school subjects- in any language- until the

Massachusetts Comprehensive Assessment System test arrived. Until 1998, these students were routinely excused from state tests. What urgently needs to be studied now is what kind of teaching is going on in the districts where limited-English students are showing the highest levels of achievement.

It is important that the voting public not be mislead by the opponents of this initiative as to what the campaign is about. Improving the quality of education for children who lack a sufficient knowledge of English when they enter our schools requires that we address the highest priority first-removing the language barrier to an equal education. That is the goal of all state and federal laws, and it's time to begin at the beginning with a strong English-language teaching program, with high expectations for student success, and with further remedial help for those who need it.

Time is up for insisting exclusively on bilingual education.

Rosalie Pedalino Porter, Ed.D, of Amherst, is the author of *Forked Tongue: The Politics of Bilingual Education*, and is a consultant to school districts across the country.

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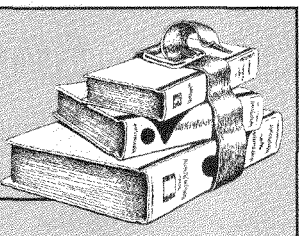
Dispatches from the Bilingual Ed Battlefront



MA Initiative Banning Bilingual Ed Exceeds Signature Requirements

English for the Children-Massachusetts, the citizens committee working to get an initiative banning bilingual education on the state ballot next November, submitted almost twice the number of signatures needed to qualify it to the Secretary of State's office. The initiative would replace the state's current practice of providing up to three years of English instruction while students are taught in their native language, with a one-year intensive English immersion program.

Businessman-entrepreneur Ron Unz, who financed similar initiatives in California and Arizona, said public support for ending bilingual education appeared even stronger in Massachusetts. California passed its initiative by a margin of 60 to 40 percent in 1998. But representatives of the bilingual education industry vowed to wage an all out campaign to defeat the Massachusetts initiative claiming it was a "one size fits all" approach that wouldn't work.

Bilingual ed critics noted the irony of the accusation. For many years the bilingual education industry has opposed giving parents of non-English speaking school children any choice for teaching their children English other than the bilingual education classes that failed to do the job.

Once the Secretary of State certifies that the initiative has gathered the minimum signatures required, the legislature has 60 days to enact it into law. If the legislature fails to act, the initiative's supporters have to gather another 10,000 signatures to get it on the ballot.

Colorado Initiative Passes First Hurdle

A citizen's initiative to ban bilingual education in Colorado's passed a major hurdle in December when the state's title-approval board approved the wording of two different versions of the initiative. Rita Montero, a former member of the Denver School Board who heads the group called English for the Children-Colorado that is sponsoring the initiative, had defended the proposed wording before the board earlier in the month.

The initiative received another boost when two former school board colleagues of Montero's announced their support at a news conference and charged that the state's expensive bilingual education program had been "an abject failure." Also appearing at the same conference was Lupe Martinez a mother of two children in the Denver school system who are struggling to learn English. Speaking in Spanish through a translator she asked, "How is it that kids who are in bilingual education and receive their instructions in Spanish will be successful [learning English]?"

If passed by the voters, the initiative would replace the current "bilingual ed" approach of teaching children in their native language, with a one-year assisted immersion program that teaches children primarily in English.

But several roadblocks remain before the initiative can qualify for the November ballot. Desperate to avoid letting it come up for a vote, opponents responded by filing suit before the Colorado Supreme Court claiming the initiative violated the state's single subject rule. If it survives the legal challenge, backers still need to collect the signatures of more than 80,000 registered voters.

Poll Finds Overwhelming Support for Ending Bilingual Ed in MA

According to a statewide poll in Massachusetts, a whopping 61 percent of voters there would vote in favor of a proposed initiative to ban bilingual education. The initiative, sponsored by English for the Children and businessman Ron Unz, would replace bilingual education in state schools with an intensive one-year immersion program to teach English. The poll of 400 residents found solid majorities of Republicans, Democrats, and Independents all strongly in favor of the proposal.

State Senator Guy Glodis (D-Worcester), who has tried in vain to reform the state's bilingual education program for many years, said that he is confident the initiative would pass by record numbers because bilingual education has been a consistent failure."

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New Study Says Dual Citizenship Poses Threat to U.S. Political Stability

A new study by Dr. Stanley Reshorn, noted author and professor of political science at City University of New York, asserts that the growing use of dual citizenship by large immigrant sending countries is a serious threat to the political unity of major immigrant receiving countries like the U.S. In time it could threaten the country's political survival.

The recently published report from the Center for Immigration Studies points out the dangers implicit in the current wave of immigrants who are being encouraged to retain their political allegiance to their countries of origin while migrating to settle permanently in the U.S. In the paper Dr. Reshorn, a certified psychoanalyst, notes that loyalty is dependent on personal identification with and feelings toward a person, place, or thing.

But today unlike the past, the governments of many immigrant-sending countries around the world are using devices such as dual citizenship and native language media to maintain and even stimulate national loyalty among their citizens who have migrated abroad. In the U.S. the natural tendency of immigrants to retain their old allegiances is greatly encouraged by multicultural advocates that promote a mindless devotion to "diversity" in place of America's traditional concept of assimilation via the melting pot.

The report notes that the United States faces special problems with respect to Mexico because of past conflict and the large numbers of Mexican nationals migrating legally and illegally to the United States. Copies of the report can be obtained from the Center for Immigration Studies, 1522 K Street N.W., Suite 820, Washington, DC 20005-1202 for $12 a copy, or downloaded for free from the Center's website at www.cis.org.

What You Can Do

To express your views on official English to President Bush, call (202) 456-1414. To call your U.S. Senators or U.S. Representative, call the Capitol switchboard at (202) 224-3121 and ask to be connected to their office. For information about bills in Congress and suggested action items, access ProEnglish's website at www.ProEnglish.org.

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